Opium Smoke II
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File No.

Legal Deptt.

B BRANCH

Subject:— Rules and Notifications under the Bombay Opium Smoking Act 1936

(21)
(E)

File No. Opium Smoke II/43

Gen. 194 e.

415-L

Office of the H.E.A.

It is proposed to issue a notification under the Bombay Opium Smoking Act,1936, investing the officers specified below with the powers under the sections specified against them.

1. The Commissioner of Police ....Section 27(2).

2. Officers of and above the rank of Deputy Inspector of Police .....Section 12.

3. Officers of and above the rank of Sub-Inspector of Police, Bombay.....Section 18

4. Jamadars, Havldars, Naiks and ~~ex~~ Constables of the Police Department, Bombay ..... Sections 14 and 17.

It is not clear how the officers specified at numbers 2 and 3 above can be invested with the powers under section 12 and 18. Section 12 of the Act authorises the Commissioner Collector or <u>any officer of the Excise Department</u> duly empowered to issue a warrant for the arrest offenders etc. Section 18 of the Act empowers the Commissioner, the Collector and <u>any officer of the Excise Department</u> duly empowered to investigate all offences punishable under the Act. "Duly empowered' means only empowered by the Provincial Government by a general or special order (Sec.2(3). The officers who can be duly empowered by the Provincial Government to exercise the powers under section 12 or section 18 must be the officers of the Excise Department and not of any other Department. It would not therefore be possible to empower officers of the Police Department under sections 12 and 18. The view taken by the Commissioner of Excise

at.....

at A at page 4 ante ~~xxxxx~~ is correct.

2. The position as regards the empowering of officers under sections 14 and 27 (2) is different. Those sections do not restrict the empowerment to officers of the Excise Department and therefore there is no objection to empowering the officers mentioned at numbers 1 and 4 above under ~~xxx~~ those sections. As regards section 17 there is no question of empowerment. All that would be necessary to provide in an order to be passed by the Provincial Government under that section would be to specify the ranks of the officers for the purposes of the section.

3. Since it would be possible to empower the officers at number 2 and 3 under section 12 and 18 of the Act it would be fore the R to consider whether the other officers should be empowered as proposed.

Sd/P.N.M.

Remembrancer of Legal Affairs.

U.R. to R.D.No.75960 dated the 6th September 1943.

EKN .14/7/

Office of the R.L.A.

Under Government Notification, Revenue Department No.4414/24 dated 31st May 1938, certain officers have been empowered with the powers under the various sections of the Bombay Opium Smoking Act, 1936 (Bom,XX of 1936) within their respective jurisdictions. As it is now proposed to empower other officers under the said Act, it would be desirable to issue instead of an independent notification, an amending notification so that one notification would contain all the information regarding officers authorised under the said Act. Therefore, in place of the draft notification at page 19, a revised amending draft notification is sent herewith.

Sd/P.N.M.

Remembrancer of Legal Affairs.

U.R to R.D.No.9176,dated the 15th December 1943.

EKN .14/7/

NOTIFICATION.

Revenue Department,
Bombay Castle, November 1943.

Bombay Opium Smoking Act, 1936.

No. 9056/39.- The Government of Bombay is pleased to amend Government Notification, Revenue Department No.4414/24 dated the 31st May 1938, as follows, namely:-

In the Schedule appended to the said notification after entry No. 6 the following entries shall be inserted, namely:-

6A	The Commissioner of Police for the City of Bombay.	27 (2)
6B	The Deputy Commissioner of Police Prohibition for the City of Bombay.	27(2)
6C	Jamadars, Huvildars, Naiks and Constables of the Police Department.	14 and 17(1)."

By order of the Governor of Bombay,

EKN .14/8/

Secretary to Government.